

REMARKS

Claims 16-23 have been withdrawn, claims 26-34 have been amended, claims 24 and 25 have been cancelled and new claims 35 and 36 have been added; thus 26 claims remain pending for consideration.

Information Disclosure Statement

The reference entitled Quantitative Risk and Reliability Assessment was submitted April 27, 2005, however, the reference was not considered by the Examiner because the IDS did not indicate a publication date for the reference. In response, Applicants are resubmitting the reference and indicate the publication date for the reference as July 2002. Applicants respectfully request the Examiner signify the Examiner has considered the reference by initialing the enclosed Form PTO/SB/08A.

Claim Rejections Under Obviousness-Type Double Patenting

Claims 1-6, 8, 24 and 27-34 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 6-8 and 28-36 of copending Application No. 10/684,329.

In response, Applicants provide herewith a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a pending "Reference" Application ("Terminal Disclaimer") and an authorization to charge Deposit Account No. 50-1283 for any appropriate fees.

Specifically, Applicants disclaim, except as provided within the Terminal Disclaimer, the terminal part of the statutory term of any patent granted on the above-identified instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on pending Application No. 10/684,329.

Applicants submit that the Terminal Disclaimer overcomes the nonstatutory double patenting rejection, and thus, claims 1-6, 8, 24 and 27-34 are in condition for allowance. In addition, Applicants submit claim 7 is allowable, at least by virtue of being dependent from allowable claim 1.

Objected Claims

Claims 26, 27, 29 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

In response, Applicants have amended claims 26, 27, 29 and 30 to include all the limitations of their base claim 24, and as a consequence, Applicants submit claims 26, 27, 29 and 30 are now allowable.

Claim Rejections Under 35 U.S.C. §102

Claims 24, 25, 28 and 31-24 stand rejected under 35 U.S.C. 102(e) as being anticipated by Eryurek et al. (U.S. 2004/0186927). Claims 24 and 25 have been cancelled; thus rendering the rejection moot relative to claims 24 and 25. In addition, claims 28 and 31-24 have been amended so as to be dependent from allowable claim 27, and as a consequence, Applicants submit claims 28 and 31-24 are allowable, at least, by virtue of their dependence from allowable claim 27.

Allowable Subject Matter

Applicants appreciate the Examiner's indication that claims 9-15 are allowed.

New Claims

Applicants submit new claims 35 and 36 are allowable, at least, by virtue of being dependent from allowable claim 27. Support for new claims 35 and 36 is found, at least, at original claims 25 and 29.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that no further impediments exist to the allowance of this application and, therefore, solicit an indication of allowability. However, the Examiner is requested to call the undersigned if any question or comments arise.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

COOLEY GODWARD LLP
Attention: Patent Group
One Freedom Square - Reston Town Center
11951 Freedom Drive
Reston, Virginia 20190-5601
Tel: (720) 566-4035
Fax: (720) 566-4099

By:

Respectfully submitted,

COOLEY GODWARD LLP

Sean R. O'Dowd
Reg. No. 53,403